

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **October, 11, 2005**

AGENDA ITEM NO.: 7

CONSENT: **X**

REGULAR:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Street Dedication and Naming Requests – Amaya’s Way Subdivision, off Bon Ton Road**

RECOMMENDATION: Approval of an ordinance to approve the subdivision, street dedication and naming requests

SUMMARY: WJS, LLC, represented by Russell E. Nixon, Nixon Land Surveying, LLC., is requesting to dedicate a new public street to be named “Amaya Drive,” off Bon Ton Road in the proposed Amaya’s Way Subdivision. The proposed street, with a fifty (50) foot right-of-way, would extend approximately seven hundred (700) feet in a southwesterly direction to its terminus in a cul-de-sac.

PRIOR ACTION(S):

September 14, 2005: Planning Division recommended approval
Planning Commission recommended approval (6-0 with 1 member absent, Mr. Richard Barnes)

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/455-3902
Tom Martin /455-3909
Annette Chenault /455-3894

ATTACHMENT(S):

- Ordinance
- PC Report
- PC Minutes
- Subdivision Plat
- Vicinity Map

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE DEDICATING A CERTAIN AREA LOCATED ON THE WEST SIDE OF BON TON ROAD AS A RIGHT-OF-WAY FOR THE PROPOSED PUBLIC STREET TO BE NAMED "AMAYA DRIVE."

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that in order to promote the public necessity, convenience, general welfare, and good zoning practice that Section 35.1-76._____ of the Code of the City of Lynchburg, 1981, be and the same is hereby amended to read as follows:

Section 35.1-76._____. Dedication of a certain area located on the west side of Bon Ton Road as a right-of-way for the proposed public street to be named "Amaya Drive."

The area embraced within the following boundaries . . .

All that certain parcel of land lying and being in the City of Lynchburg, Virginia, starting on the west side of Bon Ton Road and extending from Bon Ton Road in a southwesterly direction for approximately seven hundred (700) feet with a right-of-way width of fifty (50) feet to its terminus in a cul-de-sac containing nine hundred eighty-eight thousandths of an acre more or less as shown on the plat by Nixon Land Surveying, LLC, dated July 16, 2005.

. . . is hereby dedicated as a right-of-way for the proposed public street to be named "Amaya Drive."

The dedication of Amaya Drive and its acceptance as a public street is contingent on the filing of a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of Amaya Drive as a public street null and void.

Adopted:

Certified:

Clerk of Council

To: Planning Commission
From: Planning Division
Date: September 14, 2005
RE: **SUBDIVISION, STREET DEDICATION AND NAMING REQUEST- AMAYA'S WAY SUBDIVISION
OFF BON TON ROAD**

I. PETITIONER

WJS, LLC, 2003 Weather Hill Road, Forest, VA 24551-3702.

Representative: Russell E. Nixon, Nixon Land Surveying, LLC, 1063C Airport Road, Lynchburg, VA 24502.

II. LOCATION

The subject property is a tract of land containing approximately ten and eight tenths (10.8) acres located on the west side of Bon Ton Road, which is off Boonsboro Road. The proposed new road contains nine hundred eight-eight thousandths (.988) of an acre located on the west side of Bon Ton Road.

III. PURPOSE

The purpose of this request is to dedicate nine hundred eight-eight thousandths (.988) of an acre for right-of-way for the proposed public street to be named "Amaya Drive" located on the west side of Bon Ton Road.

IV. SUMMARY

- Request agrees with the Subdivision Ordinance requirements for dedicating public rights-of-way in an existing R-1, Low-Density Single-Family Residential District.
- Request agrees with the Zoning Ordinance requirements for rights-of-way dedications.
- Request complies with City Code Section 35.105 requirement that "...all streets dedicated or private...may be assigned a name provided that a name assignment has been requested by the property owner on said street, and provided further that the Planning Commission deems the petitioned street of sufficient significance to warrant naming."
- Request complies with City Code Section 35.111 requirement that states the "proposed street name will be reviewed by the Technical Review Committee, Planning Commission and City Council, with the final decision resting with Council."

The Planning Division recommends approval of the public street dedication and naming requests.

V. FINDINGS OF FACT

1. **Background.** Russell E. Nixon, Nixon Land Surveying, LLC, is requesting to dedicate nine hundred eight-eight thousandths (.988) of an acre for right-of-way for the proposed public street to be named "Amaya Drive" located on the west side of Bon Ton Road, which is off Boonsboro Road. The proposed street, with fifty (50) feet of right-of-way, would extend from Bon Ton Road in a southwesterly direction for approximately seven hundred (700) feet to its terminus in a cul-de-sac.
2. **Zoning.** The subject property is zoned R-1, Low Density, Single-Family Residential District.
3. **Waivers.** No waivers from the Subdivision Ordinance will be needed for the subdivision, street dedication and naming request.
4. **Proposed Use of Property.** The purpose of the request is to develop approximately ten and eight tenths (10.8) acres into sixteen (16) lots with a residue lot, street dedication and naming for single-family residential lots.

5. Technical Review Committee. The Technical Review Committee (TRC) reviewed a preliminary subdivision plat on August 23, 2005. The TRC noted the need for several revisions, most of which are minor in nature and which are expected to be resolved by the petitioner prior to the approval of a final plat. The TRC had the following comments of significance to the consideration of the requested subdivision, street dedication and naming:

- “Separate water and sewer plans must be submitted to the Engineering Division for any infrastructure that will eventually become City-owned property. Included with this must be curb and gutter along the Bon Ton Road frontage of this subdivision.”
- “Public utilities will need to be extended to serve the subject property. Road, water and sewer plans are to be submitted separately to the Engineering Division for review.”
- TRC Members—the Traffic Engineer and the Fire Marshal—reviewed the request and had no concerns with the proposed public street name. The Emergency Communications Administrator and the Lynchburg Post Office Customer Services Manager also found that the proposed street name does not conflict with any existing street names.

VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the proceeding findings of fact, the Planning Commission recommends to City Council approval of the dedication of the public street to be named “Amaya Drive,” with fifty feet of right-of-way, approximately seven hundred (700) feet in length, to be constructed in substantial compliance with the plat by Nixon Land Surveying, LLC, dated July 16, 2005. The dedication of Amaya Drive and its acceptance as a public street is contingent on WJS, LLC filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City’s acceptance of Amaya Drive as a public street null and void.

This matter is hereby offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. H. W. Duff, Jr. Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Annette M. Chenault, Planner II
Ms. Nicole Gilkeson, Community Development Planner
Mr. Russell E. Nixon, Representative

VII. ATTACHMENTS

1. “Plat Showing Amaya Drive Subdivision”

(see attached plat by Nixon Land Surveying, LLC, dated July 16, 2005)

Minutes from the September 14, 2005 Planning Commission meeting . These minutes have not been reviewed or approved by the Commission.

The purpose of this request is to dedicate .988 acres for right-of-way for the proposed public street to be named "Amaya Drive" located on the west side of Bon Ton Road.

Mr. Tom Martin, City Planner, told the Commission that the staff had no additional comments other than what was in the report.

Mr. Russell Nixon, Nixon Land Surveying, L.L.C., 1063C Airport Road, said they were creating sixteen lots on Bon Ton Road for a residential development for the mid-income home buyer. He said the name of the street would be Amaya Drive.

After discussion Commissioner Worthington made the following motion, which was seconded by Commissioner Pulliam and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the dedication of the public street to be named "Amaya Drive," with fifty feet of right-of-way, approximately seven hundred (700) feet in length, to be constructed in substantial compliance with the plat by Nixon Land Surveying, LLC, dated July 16, 2005. The dedication of Amaya Drive and its acceptance as a public street is contingent on WJS, LLC filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of Amaya Drive as a public street null and void."

AYES:	Bacon, Dahlgren, Flint, Hamilton, Pulliam, Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Barnes	1

TM #210-01-13
FRANK N. TINSLEY &
GRACIE D. TINSLEY
D.B. 587, PG. 291

PRIVATE 15' RIGHT-OF-WAY
(D.B. 142, PG. 433, CITY OF LYNCH.)

CREEK BRANCH IS THE PROPERTY LINE
LINE CALLS FOR AREA COMPUTATION ONLY.

TM #210-04-01
CHARLIE H. BURKS
D.B. 734, PG. 173

TM #210-04-01
CHARLIE H. BURKS
D.B. 734, PG. 173

TM #210-04-10
JAMES L. MARTIN
D.B. 909, PG. 603

TM #210-01-10
CYNTHIA L. H. McFADEN
W.B. 70, PG. 736

THE SUBDIVISION OF THE LAND DESCRIBED HEREIN IS WITH THE FREE
CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED
OWNERS, PROPRIETORS, AND TRUSTEES. THE OWNERS CERTIFY THAT
THEY ARE THE FEE SIMPLE OWNERS OF SAID LAND AND ARE LEGALLY
ENTITLED TO SUBDIVIDE THE SAME.

DATE: _____ BY: _____

I, _____, A NOTARY PUBLIC
FOR THE COUNTY/CITY OF _____
IN THE STATE OF VIRGINIA DO CERTIFY THAT

WHOSE NAME(S) ARE SIGNED TO THE WRITING ABOVE,
BEARING THE DATE ON THE _____ DAY OF _____

HAVING ACKNOWLEDGED THE SAME BEFORE ME IN MY
COUNTY/CITY AFORESAID GIVEN UNDER MY HAND
THIS _____ DAY OF _____

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

SUBDIVISION APPROVED:

CLERK OF COUNCIL

DIRECTOR OF ENGINEERING

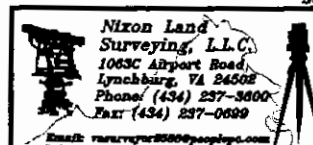
LEGEND

- OFF IRON PIN FOUND
- IPS IRON PIN SET
- ELECTRIC POLE
- SANITARY MANHOLE
- OVERHEAD ELECTRIC
- UG SAN. SEWER LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- B.S.L. BUILDING SETBACK LINE

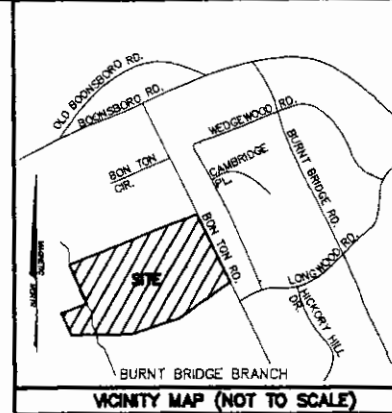
100 50 0 100 200
GRAPHIC SCALE IN FEET

CURVE TABLE				
CURVE	DELTA	LENGTH	RADIUS	CHORD
C1	90°00'00"	78.54	50.00	70.71
C2	47°00'51"	41.03	50.00	39.89
C3	274°01'42"	286.96	60.00	81.82
C4	47°00'51"	41.03	50.00	39.89
C5	90°00'00"	78.54	50.00	70.71
C6	8°37'35"	7.53	50.00	7.52
C7	94°44'57"	99.22	60.00	88.30
C8	31°23'32"	32.87	60.00	32.46
C9	28°31'04"	27.77	60.00	27.52
C10	28°57'18"	30.32	60.00	30.00
C11	57°54'36"	60.64	60.00	58.09
C12	34°30'15"	36.13	60.00	35.59

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 77°58'16" W	18.00
L2	N 22°54'44" W	69.33
L3	N 06°53'41" W	20.39
L4	N 30°36'32" W	63.41
L5	N 24°31'42" W	34.88
L6	N 15°37'48" W	35.53
L7	N 69°07'34" E	9.84
L8	S 69°07'34" W	10.36



DO NOT HAVE AN ACCURATE BOUNDARY SURVEY OR SURVEYOR ON THE FIELD OF THE FUTURE. PROVIDING GOOD DATA.



SOURCE OF TITLE:
TM #210-01-11 & 12
W.S. LLC
INST. #050001724

BUILDING SETBACKS
FRONT - 40'
SIDE - 15'
REAR - 50'

5.095 AC. (TM #210-01-12)
+ 5.707 AC. (TM #210-01-11)
10.802 TOTAL ACRES SUBDIVIDED
0.988 TOTAL ACRES IN R/W

NOTES:

- THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE PER DATE OF THIS PLAT AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN HEREON.
- THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
- THE AREA SHOWN IS LOCATED IN ZONE 'C' AND DOES NOT FALL WITHIN FLOOD HAZARD ZONE 'A' FOR A 100 YEAR FLOOD AS SHOWN ON F.E.M.A. MAP #510093 0005 B AND DATED 9/01/78.
- THE AREA SHOWN IS TM #210-01-11 & TM #210-01-12
- EACH LOT TO BE SERVED BY PUBLIC WATER AND PUBLIC SANITARY SEWER SYSTEM.
- TOTAL AREA OF THIS SUBDIVISION IS 10.802 ACRES.
- IRONS OR MONUMENTS TO BE SET AT ALL CORNERS UPON FINAL UTILITY AND ROAD INSTALLATION, OR AS OTHERWISE INDICATED ON THIS PLAT.
- ALL UTILITIES TO BE PLACED UNDERGROUND.

SURVEYED FOR: **BILLY DEINKARD**
PLAT SHOWING

AMAYA'S WAY SUBDIVISION

CITY OF LYNCHBURG, VIRGINIA

COMM. NO.: 2005054 REVISED:
SCALE: 1"=100' DE. BY: MCM DATE: 7/18/05
SHEET: 1 OF 1 CHK. BY: REN DRW. NME SUBD